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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/20/2006

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EXAMINER

MEUCCI, MICHAEL D

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,991

Applicant(s)

DECASPER ET AL.

Examiner

Michael D. Meucci

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/6/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reassigned to Michael Meucci
2. This action is in response to the Request for Continued Examination (RCE) filed 09 May 2006.

Claim Objections

3. Claim 22 is objected to under 37 CFR 1.75. Claim 22 is an apparatus claim that depends from a method claim. Correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 11, 17, 19-22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhao [US. Pat. No. 6,081,840].

As to claim 1, Zhao discloses a method comprising: a first client receiving an indication from a controller that at least one new content object corresponding to content specified in a profile associated with the first client is to be downloaded [the local content manager at the local content server (first client) accepts data replication

requests (indication that new content exists) (from the data replication manager (controller) in the source server (col. 8, lines 7-14) when any collection or content file update occurs in the source server, the data replication manager in the source server start a data replication and controls the data copied from the source server to the local server (first client) based on profile information of the local server (first client) (col. 7, lines 5--14)]; the first client receiving an indication of a location of the at least one content object from the controller[the collection table must come either directly or indirectly from the system of Fig. 2 (col. 8, lines 1-14)]; and intercepting a request from a second client to a web server on a wide area network (WAN) for the content object and satisfying the request of the second client with the downloaded content object from the first client without sending the request to the web server over the WAN [a user (second client) sends requests to the local server (first client), (i.e., the request is intercepted at the local server) for obtaining content from the source server (server) the source server is on any network system such as internet or any other dedicated network (WAN) and the local server (first client) satisfies the requests from content previously obtained (downloaded from the source server (Fig. 1, items 22, 14, 10, (col. 4, lines 1-28, lines 42-59))] wherein the first and second clients are peer devices of a local network [Fig. 1, the user 22 (second client), local server 14 (first client) are computers on a LAN network 18 (peer devices of a local network) (col. 4, lines 29-25)].

As to claim 2, Zhao further discloses wherein the location comprises a peer client (Fig. 1).

As to claim 3, Zhao further discloses further comprising the first client sending the profile to the controller (col. 7, lines 5-11).

As to claim 4, Zhao further discloses further comprising building the profile (col. 3, lines 1-38).

As to claim 5, Zhao further discloses wherein building a profile comprises tracking a web site access pattern of an individual (col. 3, lines 9-11, col. 8, lines 57-65, col. 21-23).

As to claim 6, Zhao further discloses wherein tracking the access pattern comprises individual tracking web sites a user accesses and the time, the user accesses the web sites individual (col. 3, lines 9-15).

As to claim 7, Zhao further discloses wherein tracking the access pattern comprises tracking the frequency of access by the user to the web sites [the number of times data have been used (frequency of access (col. 3, lines 9-11, col. 4, line 44-53)].

As to claim 11, Zhao further discloses further comprising the controller maintaining a list of web sites and their embedded objects (Fig 4).

Claim 17 is a broad version of claim 1 and is rejected for the same reasons indicated in claim 1.

Claim 19 is an apparatus analogous to the method of claim 1, arguments analogous to those applied to claim 1 are applied to claim 19 is apparatus.

Claim 20 is an apparatus analogous to the method of claim 2, arguments analogous to those applied to claim 2 are applied to claim 20 is apparatus.

Claim 21 is an apparatus analogous to the method of claim 3, arguments analogous to those applied to claim 3 are applied to claim 21 is apparatus.

Claim 22 is an apparatus analogous to the method of claim 4, arguments analogous to those applied to claim 4 are applied to claim 22 is apparatus.

As to claim 23, refer to claim 19 rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-9, 10, 12, 14, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao [US. Pat. No. 6,081,840] as applied to claims 1, & 17 above and further in view of Easty et al. [US. Pat. No. 6,490,587].

As to claim 8, Zhao does not disclose wherein building a profile comprises using a network operation center NOC to modify the profile.

Easty discloses a system for distributing content from a central server to plurality of endpoint servers (first client) for further distribution to end users (second clients). The central server periodically refreshes (indicating a new content in the central server location) the content currently stored in the endpoint server from the central server based on user's profile information (col. 5, lines 30-45). Building a profile using network operation center (NOC) to modify the profile (col. 4, lines 37-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the method of Zhao by building a profile comprises using a network operation center NOC to modify the profile in order to update the stored content based on the content specified in a user's profile and selectively provide the user by the new content that meets his/her preferences.

As to claim 9, Zhao further discloses wherein using the NOC comprises adding or removing URLs of web sites the user accesses and the time the user accesses the web sites (col. 6, lines 33-39).

As to claim 10, Zhao does not disclose wherein building a profile comprises a user changing a list of URLs of web sites the user accesses and the time the user accesses the web sites to the profile. Easty discloses a system for distributing content from a central server to plurality of endpoint servers (first client) for further distribution to end users (second clients). The central server periodically refreshes (indicating a new content in the central server location) the content currently stored in the endpoint server from the central server based on user's profile information (col. 5, lines 30-45). Building a profile where the user changing a list of URLs of the web sites the user accesses and the time the user accesses the web sites to the profile (col. 4, lines 18-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the method of Zhao by building a profile comprises a user changing a list of URLs of web sites the user accesses and the time the user accesses the web sites to the profile in order to update the stored content

based on the content specified in a user's profile and selectively provide the user by the new content that meets his/her preferences.

As to claim 12, Zhao does not disclose wherein the list is compiled by updating information from content providers. Easty discloses a system for distributing content from a central server to plurality of endpoint servers (first client) for further distribution to end users (second clients). The central server periodically refreshes (indicating a new content in the central server location) the content currently stored in the endpoint server from the central server based on user's profile information (col. 5, lines 30-45). Wherein the list is compiled by updating information from content providers (col. 4, lines 58-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the method of Zhao by compiling the list by updating information from content providers in order to update the stored content based on the content specified in a user's profile and selectively provide the user by the new content that meets his/her preferences.

As to claim 14, Zhao does not disclose wherein checking for new content objects comprises subscribing with the controller to get notification automatically of when new content objects are available.

Easty discloses a system for distributing content from a central server to plurality of endpoint servers (first client) for further distribution to end users (second clients). The central server periodically refreshes (indicating a new content in the central server location) the content currently stored in the endpoint server from the central server based on user's profile information (col. 5, lines 30-45). Wherein checking for new

content objects comprises subscribing with the controller to get notification automatically of when new content objects are available (col. 4, lines 25-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the method of Zhao by checking for new content objects comprises subscribing with the controller to get notification automatically of when new content objects are available in order to update the stored content based on the content specified in a user's profile and selectively provide the user by the new content that meets his/her preferences.

As to claim 16, Zhao does disclose further comprising the controller sending a download trigger to the user.

Easty discloses a system for distributing content from a central server to plurality of endpoint servers (first client) for further distribution to end users (second clients). The central server periodically refreshes (indicating a new content in the central server location) the content currently stored in the endpoint server from the central server based on user's profile information (col. 5, lines 30-45), and the controller sending a download trigger to the user (col. 5, lines 30-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the method of Zhao by sending a download trigger to the user in order to update the stored content based on the content specified in a user's profile and selectively provide the user by the new content that meets his/her preferences.

As to claim 18, Zhao does not disclose further comprising sending the profile to a controller that generates the location information.

Easty discloses a system for distributing content from a central server to plurality of endpoint servers (first client) for further distribution to end users (second clients). The central server periodically refreshes (indicating a new content in the central server location) the content currently stored in the endpoint server from the central server based on user's profile information (col. 5, lines 30-45). Sending the profile to a controller that generates the location information (col. 4, lines 19-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Easty's teaching to modify the method of Zhao by sending the profile to a controller that generates the location information in order to update the stored content based on the content specified in a user's profile and selectively provide the user by the new content that meets his/her preferences.

8. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao [US. Pat. No. 6,081,840] as applied to claims 1 and 17 above and further in view of Reisman et al. [US. Pat. No. 6,658,464].

As to claim 13, neither Zhao discloses wherein the list is compiled by: crawling web sites; and analyzing results of the crawling.

Reismain discloses a method for receiving a first data object from one of multiple data sources and automatically prefetching a plurality of additional data objects referenced by the first data object from respective data sources identified by information

embedded in the first data object (col. 5, lines 15-24). The search tool crawls across the Web, like a Web spider to locate and retrieve desired or suitable content based on defined criteria in HTML format (col. 51, lines 1-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Reismain's teaching to modify the combined method of Zhao by crawling web sites and analyzing results of the crawling in order to organize a search of the web sites involving visits to those web sites, locate and retrieve suitable content, based on defined criteria, in HTML format.

As to claim 15, Reimain further discloses wherein checking for new content objects comprises a user crawling web sites to search for new objects (col. 8, lines 1-65 & col. 51, lines 56-68).

Response to Arguments

9. Applicant's arguments filed 09 May 2006 have been fully considered but they are not persuasive.

The applicant is arguing that Zhao describes a client/server system and therefore fails to teach a system as claimed wherein the first and second clients are peer devices on a local area network. In support of this argument, the applicants, in the first complete paragraph on page 8 of the response, cite various web pages that allegedly require a particular definition of "peer" that would prevent Zhao from anticipating the claimed invention. This argument is not persuasive for two reasons.

First, although the applicants have presented arguments based on these references, they have not put the references into evidence by providing copies. Without copies of the references, the statements are merely arguments unsupported by evidence. Argument cannot take the place of evidence where, as here, evidence is required (i.e., to show a particular meaning of a term within the art).

Second, the applicants' argument is unpersuasive because they are pointing to information extrinsic to the record and ignoring intrinsic evidence. On page 14 lines 20-22 of the specification, the applicants state:

One or more clients *may* [emphasis added] be peers. A peer is a "nearby" or local host, such as, for example, a host in the same LAN, a host connected to the same ISP, or any other networked device offering reasonable connectivity (e.g., bandwidth, latency).

Given these statements in the specification, the examiner fails to see why Zhao's server is not any other networked device offering reasonable connectivity and is thus a peer as per the applicants' specification.

Conclusion

10. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued

examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

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possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER